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E-FILED 5/9/08

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Attorneys For Defendant
City of Capitola

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

SURF AND SAND, LLC, a
California Limited Liability
Company,

Plaintiff,

CITY OF CAPITOLA, and DOES 1
through 10, Inclusive

Defendants.

CASE NO. C07 05043

Judge: Richard Seeborg

E-FILING

COURTROOM: 3, 5th Floor
ACTION FILED: 10/01/07

**STIPULATION SETTING HEARING DATE ON DEFENDANT'S MOTION TO
DISMISS FIRST AMENDED COMPLAINT; ORDER THEREON**

**STIPULATION SETTING HEARING DATE ON DEFENDANT'S MOTION TO
DISMISS FIRST AMENDED COMPLAINT; ORDER THEREON**

1 The parties hereby stipulate that the hearing on defendant's Motion to Dismiss
2 First Amended Complaint currently set for May 21, 2008, be moved to May 20, 2008 at
3 10:00 a.m.

4
5 Respectfully Submitted,

6 Dated: May 7, 2008

Henry E. Heater
Donald R. Lincoln
Linda B. Reich
Endeman, Lincoln, Turek & Heater LLP

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8 John G. Barisone
9 City Attorney, City of Capitola
10 Atchison, Barisone, Condotti & Kovacevich

11 By: Linda Reich
12 Linda B. Reich
13 Attorneys for Defendant City of
14 Capitola

15 Dated: May __, 2008

Robert Coldren
C. William Dahlin
Mark Alpert
Hart, King, & Coldren

16
17
18 By: _____
19 Mark Alpert
20 Attorneys for Plaintiff Surf and Sand, LLC
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11 John G. Barisone
12 City Attorney, City of Capitola
13 Atchison, Barisone, Condotti & Kovacevich

14 By: Linda B. Reich
15 Linda B. Reich
16 Attorneys for Defendant City of
17 Capitola

18 Dated: May 6, 2008

19 Robert Coldren
20 C. William Dahlin
21 Mark Alpert
22 Hart, King, & Coldren

23 By: Mark Alpert
24 Mark Alpert
25 Attorneys for Plaintiff Surf and Sand, LLC
26
27
28

1\1280.010\Pleadings\014 Stip Setting Hrg Date on Motion.wpd

STIPULATION SETTING HEARING DATE ON DEFENDANT'S MOTION TO
DISMISS FIRST AMENDED COMPLAINT; ORDER THEREON

ORDER

Pursuant to the parties' stipulation, the hearing on Defendant's Motion to Dismiss First Amended Complaint is moved to May 20, 2008 at 10:00 a.m.

Dated: 5/9/08



Hon. Richard Seeborg, Magistrate Judge